

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR**

ORDER

S.B.CIVIL WRIT PETITION NO.326/2003.

Ashok Kumar.

VERSUS

S.T.A.T.and Others.

15.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Manu Bhargava]
Mr.Pankaj Jain]for the petitioner.
Mr.B.K.Sharma, Deputy Government Advocate.

Learned counsel for the petitioner has relied upon a decision of this court in S.B.Civil Writ Petition No.8773/2005 [Vinod Kumar Vs. STAT, Jaipur & Ors.] and has contended that while passing the impugned order (Annexure-P4) dated 31.12.2002. The learned S.T.A.T. has not given any reasons as required by Section 81 of the Motor Vehicles Act, 1988 for the dismissal of the application for renewal filed by the petitioner.

It is submitted that the learned Tribunal has taken into consideration the fact regarding the pendency of the petition before the Punjab and Haryana High Court which had no relevancy, inasmuch as, the aforesaid petition related to the question of counter signatures in pursuance of the Inter-State agreement.

Learned Deputy Government Advocate submits that so far as the prayer of the petitioner for remanding the case to the S.T.A.T. for decision in the light of the order of this court dated 08.11.2005 in Vinod Kumar's case in accordance with Section 81 of the Motor Vehicles Act is concerned, there is no

objection to the same. He, however, submits that on merits the petitioner has no case.

I have given my thoughtful consideration to the rival submission. Without expressing any opinion on the merits of the case of the petitioner for renewal of his permit, I deem it just and proper to set aside the impugned order passed by the learned S.T.A.T. dated 31.12.2002 and remand the case to the S.T.A.T. for a fresh adjudication, as has been directed by this court in its order dated 08.11.2005 in Vinod Kumar Vs. S.T.A.T. Jaipur and Others.

Learned counsel for the petitioner submits that on account of interim order of this court, the petitioner has been plying his vehicle on the basis of the permit in question.

In view of the above, it is made clear that till the disposal of the appeal by the learned S.T.A.T. the interim order passed by this court shall continue. The learned S.T.A.T. shall decide the appeal within a period of three months.

The writ petition as well as the stay application and the application dated 08.12.2006 for disposal of the writ petition in the light of the judgment in Vinod Kumar's case stand disposed of.

(DALIP SINGH), J.

Solanki DS, Jr.P.A.